

BBE, MARTENS, OLSON & LAR

A LIMITED LIABILITY PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

PATENT, TRADEMARK AND COPYRIGHT CAUSES

620 NEWPORT CENTER DRIVE

SIXTEENTH FLOOR

NEWPORT BEACH, CALIFORNIA 92660-8016

(949) 760-0404

FAX (949) 760-9502

INTERNET: WWW.KMOB.COM

LOUIS J. KNOBBE*
DON W. MARTENS*
GORDON H. OLSON*
JAMES B. BEAR
DARRELL L. OLSON*
WILLIAM B. BUNKER
WILLIAM H. NIEMAN
ARTHUR S. ROSE
JAMES F. LESNIAK
NED A. ISRAELSEN
DREW S. HAMILTON
JERRY T. SEWELL
JOHN B. SGANGA, JR.
EDWARD A. SCHLATTER
GERARD VON HOFFMANN
JOSEPH R. RE
CATHERINE J. HOLLAND
JOHN M. CARSON
KAREN VOGEL WEIL
ANDREW H. SIMPSON
JEFFREY L. VAN HOOSEAR
DANIEL E. ALTMAN
MARGUERITE L. GUNN
STEPHEN C. JENSEN
VITO A. CANUSO III
WILLIAM H. SHREVE
LYNDA J. ZADRA-SYMEST
STEVEN J. NATAUPSKY
PAUL A. STEWART
JOSEPH F. JENNINGS
CRAIG S. SUMMERS
ANNEMARIE KAISER

BRENTON R. BABCOCK
THOMAS F. SMEGAL, JR.
MICHAEL H. TRENHOLM
DIANE M. REED
JONATHAN A. BARNEY
RONALD J. SCHOENBAUM
JOHN R. KING
FREDERICK S. BERRETTA
NANCY WAYS VENSKO
JOHN P. GIEZENTANNER
ADEEL S. AKHTAR
GINGER R. DREGER
THOMAS R. ARNO
DAVID N. WEISS
DANIEL HART, PH.D.
DOUGLAS G. MUEHLHAUSER
LORI LEE YAMATO
MICHAEL K. FRIEDLAND
STEPHEN M. LOBBIN
STACEY R. HALPERN
DALE C. HUNT, PH.D.
LEE W. HENDERSON, PH.D.
DEBORAH S. SHEPHERD
RICHARD E. CAMPBELL
MARK M. ABUMERI
JON W. GURKA
ERIC M. NELSON
MARK R. BENEDICT, PH.D.
PAUL N. CONOVER
ROBERT J. ROBY
SABING H. LEE
KAROLINE A. DELANEY

JOHN W. HOLCOMB
JAMES J. MULLEN, III, PH.D.
JOSEPH S. CIANFRANI
JOSEPH M. REISMAN, PH.D.
WILLIAM R. ZIMMERMAN
GLEN L. NUTTALL
ERIC S. FURMAN, PH.D.
TIRZAH ABE LOWE
GEOFFREY Y. IIDA
ALEXANDER S. FRANCO
SANJIVPAL S. GILL
SUSAN M. MOSS
JAMES W. HILL, M.D.
ROSE M. THIESSEN, PH.D.
MICHAEL L. FULLER
MICHAEL A. GUILIANA
MARK J. KERTZ
RABINDER N. NARULA
BRUCE S. ITCHKAWITZ, PH.D.
PETER M. MIDDLEY
THOMAS S. MCCLENAHAN
MICHAEL S. OKAMOTO
JOHN M. GROVER
MALLARY K. DE MERLIER
IRFAN A. LATEEF
AMY C. CHRISTENSEN
SHARON S. NG
MARK J. GALLAGHER, PH.D.
DAVID G. JANKOWSKI, PH.D.
BRIAN C. HORNE
PAYSON J. LEMELLEUR
DIANA W. PRINCE

OF COUNSEL
JERRY R. SEILER
PAUL C. STEINHARDT
JAPANESE PATENT ATTY
KATSUHIRO ARAI**
EUROPEAN PATENT ATTY
MARTIN HELLEBRANDT
KOREAN PATENT ATTY
MINCHEOL KIM
SCIENTISTS & ENGINEERS
(NON-LAWYERS)
RAIMOND J. SALENIEKS**
DANIEL E. JOHNSON, PH.D.**
JEFFERY KOEPKE, PH.D.**
KHURRAM RAHMAN, PH.D.
JENNIFER A. HAYNES, PH.D.
BRENDAN P. O'NEILL, PH.D.
THOMAS Y. NAGATA
LINDA H. LIU
YASHWANT VAISHNAV, PH.D.
MEGUMI TANAKA
CHE S. CHERESKIN, PH.D.**
ERIK W. ARCHBOLD
PHILIP C. HARTSTEIN
JULIE A. HOPPER
CHRIS S. CASTLE
JAMES W. AUSLEY
R. P. CARON, PH.D.
JENNIFER HAYES
KIRK E. PASTORIAN, PH.D.
CHARLES T. RIDGELY
KEITH R. MCCOLLUM
LANG J. MCHARDY
BONNY YEUNG, PH.D.
* A PROFESSIONAL CORPORATION
* ALSO BARRISTER AT LAW (U.K.)
** U.S. PATENT AGENT

Assistant Commissioner for Patents
Washington, D.C. 20231

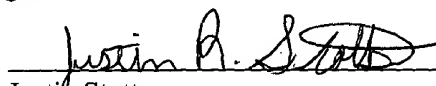
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : DAVI105.001APC
Applicant(s) : M. Graham
For : CONTROL OF GENE EXPRESSION
Attorney : Daniel E. Altman
"Express Mail"
Mailing Label No. : EL559437585
Date of Deposit : September 20, 2000

I hereby certify that the accompanying

Transmittal in Duplicate; Specification in 73 pages; 68 sheets of drawings;
Sequence Listing in 7 pages; Demand; IPER; Preliminary Amendment; Abstract
of Int'l. Appl. as Published; PCT Form 402; PCT Form 308; Request; Check(s)
for Filing Fee(s); Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Justin Stotts

H:\DOCS\VAH\VAH-3345.DOC:bb\091900

201 CALIFORNIA STREET
SUITE 1150
SAN FRANCISCO, CALIFORNIA 94111
(415) 954-4114
FAX (415) 954-4111

550 WEST C STREET
SUITE 1200
SAN DIEGO, CALIFORNIA 92101
(619) 235-8550
FAX (619) 235-0176

3801 UNIVERSITY AVENUE
SUITE 710
RIVERSIDE, CALIFORNIA 92501
(909) 781-9231
FAX (909) 781-4507

1900 AVENUE OF THE STARS
SUITE 1425
LOS ANGELES, CALIFORNIA 90067
(310) 551-3450
FAX (310) 551-3458

U.S. Application No.
Pending

International Application No.
PCT/AU99/00195

Attorney Docket No.
DAVI105.001APC

Date: September 20, 2000

COPY

430 Rec'd PCT/PTO 20 SEP 2000

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 USC 371**

International Application No.: PCT/AU99/00195
International Filing Date: March 19, 1999
Priority Date Claimed: March 20, 1998
Title of Invention: CONTROL OF GENE EXPRESSION
Applicant(s) for DO/EO/US: Michael Wayne Graham

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. (X) This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. (X) This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
3. (X) A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
4. (X) A copy of the International Application as filed (35 USC 371(c)(2)) has been transmitted by the International Bureau (copy of Form IB/308 attached).
5. (X) Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)) have not been made and will not be made.
6. (X) A copy of the International Preliminary Examination Report with any annexes thereto, such as any amendments made under PCT Article 34. The annexes include pages 74-77 received by the IPEA on 26 April 2000 and page 78 received by the IPEA on 27 June 2000.
7. (X) A **FIRST** preliminary amendment with attached Abstract of International Application as published.
8. (X) A copy of the International Application as published (minus original claims), including:
 - a. (X) Publication Cover Sheet.
 - b. (X) 73 pages of disclosure.
 - c. (X) 68 pages of drawings.
 - d. (X) Sequence listing in 7 pages.
 - e. (X) International Search Report.
9. (X) A return prepaid postcard.

U.S. Application No.
Pending

International Application No.
PCT/AU99/00195

09/646807
Attorney Docket No.
DAVI105.001APC
20 SEP 2000
Page 2

Date: September 20, 2000

430 Rec'd PCT/PTO

10. (X) The following fees are submitted:

				FEES
BASIC FEE				\$970
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	45 - 20 =	25 ×	\$18	\$450
Independent Claims	5 - 3 =	2 ×	\$78	\$156
TOTAL OF ABOVE CALCULATIONS				\$1576
TOTAL NATIONAL FEE				\$1576
TOTAL FEES ENCLOSED				\$970

11. (X) The fee for later submission of the signed oath or declaration set forth in 37 CFR 1.492(e) will be paid upon submission of the declaration.
12. (X) A check in the amount of \$970 to cover the basic fee only is enclosed. Please do not charge any excess claims fees to our deposit account at this time. Any such required fees will be paid upon submission of the declaration.
13. (X) The Commissioner is hereby authorized to charge only those additional fees which may be required, now or in the future, to avoid abandonment of the application, or credit any overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

H:\DOCS\JAH\JAH-3344.DOC:bb
092000

Daniel Altman

Daniel E. Altman
Registration No. 34,115